

VZCZCXYZ0010
PP RUEHWEB

DE RUEHNR #5105/01 3471129
ZNY CCCCC ZZH
P 131129Z DEC 05
FM AMEMBASSY NAIROBI
TO RUEHC/SECSTATE WASHDC PRIORITY 8379
INFO RUEHDS/AMEMBASSY ADDIS ABABA PRIORITY 8083
RUEHDR/AMEMBASSY DAR ES SALAAM PRIORITY 4346
RUEHDJ/AMEMBASSY DJIBOUTI PRIORITY 3897
RUEHKM/AMEMBASSY KAMPALA PRIORITY 1008
RUEHLO/AMEMBASSY LONDON PRIORITY 1807
RUEHFR/AMEMBASSY PARIS PRIORITY 1804

C O N F I D E N T I A L NAIROBI 005105

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E.O. 12958: DECL: 12/13/2015
TAGS: [PGOV](#) [PREL](#) [KDEM](#) [KE](#)
SUBJECT: KIBAKI CALLS FOR UNITY, CONTINUES PARTISAN GAMES

REF: A. NAIROBI 5096

[1](#)B. NAIROBI 4901

Classified By: Acting Political Counselor Craig White for reasons 1.4 (b,d)

[1](#)1. (C) SUMMARY: As President Kibaki appears to be in denial that a serious political crisis is staring him in the face, Orange Democratic Movement leaders intensify their criticism and call for fresh elections. Dissatisfied FORD-K and National Party of Kenya leaders are taking advantage of Kibaki,s current vulnerability to press for special favors for the party,s rank and file. Unless Kibaki can build support for his new government, the prevailing political climate might prove fatal for much of the government,s agenda. END SUMMARY.

Kibaki and Business as Usual

[1](#)2. (C) During his December 12 Jamhuri day speech, Kibaki downplayed the significance of the government,s humiliating referendum defeat over the proposed constitution and chose to completely ignore the ensuing political crisis. Instead, he called for an end to political bickering to allow the nation to focus on national unity and economic development. Kibaki repeated his statement that the government would establish a legal framework for delivering a new constitution to the Kenyan people. Conspicuous in seats reserved for cabinet members were FORD-K leader Musikari Kombo and National Party of Kenya (NPK) leader Charity Ngilu, who had previously declined to join Kibaki,s government.

Luring them Back to the Table

[1](#)3. (C) Kombo and Ngilu,s gamble, declining their cabinet positions last Thursday to hold out for a sweeter deal, appears to have paid off. Following the refusal of one quarter of his cabinet to accept their positions, Kibaki desperately needs to entice the two parties back into his government. The local press reports that Ngilu, who reportedly turned down a seat because she was not consulted about other appointments, namely that of Martha Karua, has been promised an additional two ministerial positions for the NPK. Kombo is reported to have been promised an additional three ministerial positions (brining the total to seven slots) and five additional assistant minister posts (for a

total of seven) for FORD-K members in return for his support.

14. (U) Mukhisa Kituyi, who accepted his renewed mandate as Minister for Trade and did not join the FORD-K walk-out, publicly criticized his fellow FORD-K members for their political posturing, revealing deep rifts within the party. Kombo is reported in local media to have also included in his demands numerous choice civil service positions for his supporters. Kibaki,s acquiescence to demands for increased tribal representation by disgruntled groups has been criticized for promoting tribalism by Minister for Labor Newton Kulundu, also a FORD-K member.

ODM on the Offensive

15. (U) In a December 12 press statement, Orange Democratic Movement (ODM) luminary Raila Odinga renewed his calls for snap elections. He asserted that Kibaki and his governing circle have lost touch with the will of the people, amply demonstrated in their defeat in the constitutional referendum and the disastrous cabinet reshuffle which resulted in one quarter of nominees declining their posts. Raila described Kibaki as a minority president with a minority cabinet. He also announced that the ODM has assumed the mandate of the now defunct Narc.

A Return to Personality Cults?

16. (C) The new cabinet appointees swore an oath of office to Kibaki personally, contrary to a 1997 Inter-Parliamentary Parties Group reform which did away with the practice. At the time, it was argued that a personal pledge of allegiance to the president emphasized the office-holder at the expense of the institution of the presidency. Kibaki,s chosen cabinet line-up illustrates the premium he places on loyalty. By re-introducing a personal pledge of loyalty to him, Kibaki may hope to prevent future repeats of his mnisters openly taking contrary positions, as in the constitutional referendum debate. Unfortunately, this latest step adds to growing concerns that Kibaki,s tactics are looking more and more like Moi,s.

17. (C) COMMENT: Kibaki,s now familiar mantra emphasizing economic development is clearly designed to deflect attention from the serious political issues facing him and his failure to deliver a new constitution. This new focus is something that might have been better achieved had he invited the &winners8 of the referendum to join in this effort by including them in his cabinet. Raila,s quip about a minority President with a minority cabinet looks accurate. Ironically, Kibaki,s failure after the crushing referendum defeat to reach out to his political opponents could end up seriously impeding the government,s ability to move the country forward, to the detriment of U.S. interests as well.
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